

**ORDINANCE NO. 12-81**

ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A WATER COLLECTION FACILITY ON PROPERTY ZONED M-1 (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 3675 NW 58 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of October 24, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The below-described property is hereby granted a special use permit (SUP) to allow a water collection facility on property zoned M-1 (Industrial District). The property is located at 3675 NW 58 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 17, BLOCK 1, PAN AMERICAN TERMINALS,  
ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 50, PAGE 71, OF THE  
PUBLIC RECORDS OF MIAMI-DADE COUNTY,  
FLORIDA.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Additional Penalties upon Violation of Conditions of Use.**

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

**Section 6: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

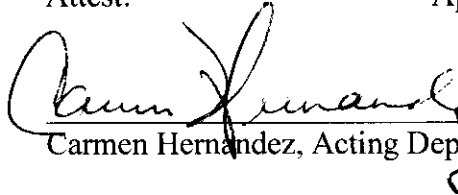
PASSED and ADOPTED this 27 day of November, 2012.

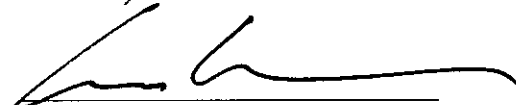
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 3 day of DEC, 2012.

  
Carmen Hernandez, Acting Deputy City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".



CFN 2012R0897309  
DR Bk 28398 Pgs 4311 - 4312 (2pgs)  
RECORDED 12/13/2012 13:08:58  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Prepared by: City of Hialeah  
Planning and Zoning Division  
501 Palm Avenue, Second Floor  
Hialeah, Florida 33010

**DECLARATION OF RESTRICTIVE COVENANTS  
(SPECIAL USE PERMIT CORPORATE)**

(I) (WE), Amoil, CO.

Being the owner(s) of lands described herein:

also known as: 3675 NW 58 Street, Miami, FL 33142

make the following Declaration of Restrictive covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida. The undersigned is seeking an application for an approval of Special Use Permit (SUP) for the property to permit its use for (a) (an): "Sludge and Metals water removal System"

In connection therewith, the undersigned covenants, represents and agrees as follows:

1. The use of the Property shall be limited as follows:  
Process water to meet Dade County parameters  
\_\_\_\_\_  
\_\_\_\_\_
2. This instrument shall not become effective unless and until the undersigned's application for Special Use Permit in connection with the property is approved by the Hialeah City Council by the adoption of an ordinance and such ordinance becomes law. Upon becoming effective, this instrument shall be recorded in the Public Records of Miami-Dade County, Florida and constitute a covenant running with the title to the land described above, binding upon the undersigned and its successors and assigns.
3. This instrument and the restrictions set forth herein may be modified, amended or released as to any portion of the land described above by written instrument executed by the then owner of the fee simple title to the lands to be affected by such modification, amendment, release, and approved after public hearing by the City Council of the City of Hialeah. Should this instrument be so modified, amended or released by the City Council, the Director of Planning Division shall execute a written instrument that shall be recorded in the Public Records of Miami-Dade County effectuating and acknowledging such modification, amendment or release.
4. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply

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with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

5. It is understood that if the application is approved, the undersigned must comply with all applicable Federal, State, County, City laws, rules, and regulations. It is further understood that Hialeah Code § 98-165 provides as follows:

"Any change of the special use listed on the application for a special use permit and as provided in the declaration of restrictive covenants submitted in connection therewith will be in violation of this division and will cause revocation of the occupational license. The property shall revert as provided by the Charter to the zoning classification, without the benefit of the special use that existed prior to the approval of the use."

IN WITNESS WHEREOF, We have hereunto set our hands and seals at  
Da De this 1 day of August 2012  
(Location)

Signed, sealed and delivered in the presence of:

Attest: \_\_\_\_\_  
Corporate Secretary

Typed/Printed Name  
[Signature]

Witness  
Typed/Printed Name George Aguirre  
Russell Mucke

Witness  
Typed/Printed Name Russell Mucke

CORPORATE NAME: Am Oil Co

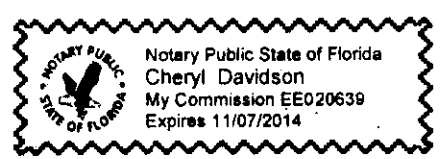
By: [Signature]  
President:  
Manuel Leon  
Typed/Printed Name

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this 3<sup>RD</sup> day of August by Manuel Leon, as President, and \_\_\_\_\_, as Secretary, of  
(Name of Officer or Agent) (Name of Secretary)

Am Oil Co, a Florida corporation, on behalf of the corporation.  
(Name of Corporation) (State of Incorporation)

They are personally known to me or have produced the following DRIVERS LICENSE identification and did (did not) take an oath and attested to the truth and accuracy of the representations contained herein.



Cheryl Davidson  
Signature of Notary  
\_\_\_\_\_  
Name of Notary typed, printed, or stamped  
Commission No.